

**EXHIBIT A**

1 - 62

IN THE UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

RONALD & PATRICIA SHAMON,	)	
	)	
Plaintiff,	)	
-v-	)	DOCKET NO.
	)	04-11674-WGY
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

THE ORAL DEPOSITION OF PATRICIA SHAMON, held pursuant to Notice, and the applicable provisions of the Federal Rules of Civil Procedure, before Diana Strzeminski, a Court Reporter and Notary Public, within and for the Commonwealth of Massachusetts, at the offices of the United States Attorney, 1 Courthouse Way, Suite 9200, Boston, Massachusetts, on Wednesday, March 16, 2005, commencing at 10:10 a.m.

**COPY**

**APEX Reporting**  
(617) 426-3077

1           Q     How long since his discharge on the 21st?  
2                   Did you notice any changes in his physical  
3 condition?

4           A     After he was discharged? He was very weak. He  
5 couldn't walk without assistance. He couldn't get out of  
6 bed without assistance. He was distraught, to say the  
7 least.

8                   He had visiting nurses twice a day to irrigate the  
9 area.

10          Q     Other than the post-op visits, do you remember the  
11 next time he went to the VA?

12          A     He -- I don't know.

13                   They found pus in the -- wait a minute. He went  
14 to Jordan Hospital the beginning of January because he  
15 fainted in the shower. And, he was non responsive, so I  
16 called 911 because he hit his head on the faucet, and he was  
17 told that this was because he was taking a diuretic.

18                   A visiting nurse was there when this occurred, and  
19 said to me, "I don't understand why he passed out. Let me  
20 see his medications." And, when I showed her the many  
21 bottles, she said, "He should not be taking this." And I'm  
22 sorry, Mr. Wilmot, I don't know the name of it.

23          Q     Okay.

24                   This is a VA nurse?

25          A     No, no, the visiting nurse.

1 2001, what other changes in your husband's physical  
2 condition did you notice?

3 You already told me that he was weak. At times he  
4 could not walk. What other physical conditions did you  
5 notice?

6 A Well, I had set up a hospital room in one of the  
7 guest rooms, and that's where he stayed for months, and  
8 months, and months.

9 He was very fearful. I had to be--

10 Q Before you get into emotional changes, can you  
11 just tell me what physical changes you noticed after the  
12 Flex-Sig on December 7th, 2001?

13 A He couldn't sleep. He was tearful. He was  
14 completely unable to take care of himself.

15 Q Can you be more descriptive?

16 A I -- well I had to bathe him. Is this what you  
17 mean?

18 Q I'm asking what physical conditions--

19 A Well, he was unable to bathe himself. He was  
20 unable to clean himself after a bowel movement or -- and  
21 after a bowel movement he had to use a sitz bath, which had  
22 to be cleaned. He took many naps during the day.

23 Q Anything else?

24 A Not really. He was very debilitated. You don't  
25 want to know about his mental--

1 Q Not yet. I just want you to -- I want to exhaust  
2 your memory as to what physical changes you've noticed in  
3 your husband after the Flex-Sig procedure.

4 A Well, he was just very, very, weak; very sick;  
5 very -- he was--

6 Q When you say sick, what do you mean by sick? Was  
7 he vomiting?

8 A No. No.

9 Q Did he have headaches?

10 A He had -- yes, he had -- he had an appetite loss.  
11 He was just a totally different person.

12 Q Now, when did you first notice that he was  
13 suffering from headaches?

14 When did he first tell you, having headaches?

15 A I don't know. He was just -- he was so devastated  
16 by what happened to him that he, you know, he hurt.

17 Q Is he still suffering from headaches?

18 A No. No, not abnormally, no.

19 Q Do you know when the abnormal headaches, as you  
20 described it, ended?

21 A No, it was all a process of healing, as he  
22 gradually felt better.

23 Q When would you -- do you have a memory as to when  
24 he stopped complaining about headaches?

25 A No. It was one of many things following his

1 initial surgery; following his coming home.

2 He was -- he was fearful of, "What's going to  
3 happen to me?"

4 Q Again, before we get into the emotional changes  
5 you noticed, I just want to finish through the physical  
6 changes, and we will get to that.

7 You said that he could not sleep. When did you  
8 first notice that he was unable to sleep?

9 A Right away because--

10 Q I'm sorry, right away?

11 A After he came home; upon his discharge.

12 Q So, beginning on December 7th, he was unable to  
13 sleep or his discharge--

14 A 21st, yes.

15 Q So, starting on December 21st, 2001, he was having  
16 trouble sleeping?

17 A Yes.

18 Q Does he still have trouble sleeping?

19 A No.

20 Q When did his trouble sleeping end?

21 A Oh, I'd say probably after the catheter was  
22 removed; I don't remember the date. He had that probably--

23 Q You said he--

24 A --maybe into February.

25 Q Of 2002?

1           A     Yes. He -- he didn't want to go to bed at night,  
2 and since I had to get up with him, at least twice a night  
3 for the sitz baths, I used to try to get him to go to bed  
4 because I was so tired, I wanted to go to sleep.

5                     And, when I would say, "Good night," -- I mean his  
6 eyes were wide open and he'd say, "But, I can't sleep.  
7 We'll try."

8                     But, he took naps during the day, and he was just  
9 so -- he was afraid to go to sleep. He didn't want to be  
10 alone.

11           Q     You also told me he was tearful. What do you mean  
12 by that?

13           A     That's emotional.

14           Q     That's emotional? All right, then we'll get back  
15 to that.

16                     You also said he had an appetite loss. When did  
17 you notice this appetite loss?

18           A     Immediately.

19           Q     Immediately, starting when?

20           A     December 21st.

21           Q     Does he still have that appetite loss?

22           A     No. I'm sorry.

23           Q     When did he get his appetite back?

24           A     I would say toward the end of the year; maybe Fall  
25 of 2002?

1 Q Do you remember -- are any other physical changes  
2 that you remember in your husband following the Flex-Sig on  
3 December 7th, 2001?

4 A No.

5 Q Why don't you tell me about the emotional changes  
6 that you noticed?

7 A He was primarily afraid to trust any doctor. He  
8 was afraid to be alone for any time at all.

9 If I left the house to do marketing, I would rush  
10 through it. And the minute I walked through the door, he  
11 would be, "Where were you? You were gone so long. What if  
12 something had happened to me"? He was -- he had become  
13 extremely dependent, which was a complete about face.

14 He was very irritable, which he still is;  
15 short-tempered; attention span is short.

16 He talks about this whole episode continuously to  
17 everybody; inappropriately I think, in many cases, to people  
18 who he hardly knows, and repetitiously.

19 It's just devouring him. He's very depressed. He  
20 doesn't feel adequate. He can't -- his strength is gone.  
21 He was unusually strong, and now he can't do things. He has  
22 groin pain if he lifts anything very heavy.

23 And, there are so many things. He doesn't do lawn  
24 work; he doesn't shovel snow.

25 I mean, this is -- if he -- we used to travel.

1 Now he can't sit very long, so if we drive anywhere, he has  
2 to keep stopping and getting out to walk around. He was  
3 told he has scar tissue which is the cause of this, and that  
4 it would always be, which makes him very despondent.

5 He doesn't have interest in doing things, whether  
6 it's -- he was in the middle of finishing the basement with  
7 his brother -- our basement -- just prior to this, and it's  
8 still sitting there. It's too much for him. Everything is.

9 He's irritable with our grandchildren, and a very  
10 short fuse. Our sex life is non-existent. I don't know.

11 Q If anything else comes to your mind, you know,  
12 just bring it up so we can just -- I just want to go through  
13 these with you.

14 And you said that he -- you noticed that he became  
15 afraid to trust doctors. Do you remember when that began,  
16 that fear of doctors?

17 A Progressing through his treatment until he met  
18 Dr. Cima. C-I-M-A.

19 Q You say, until he met Cima. So, once he met Cima  
20 he wasn't afraid anymore or that fear dissipated?

21 A He trusted Dr. Cima, but even he really -- he's  
22 become quite paranoid, I think. And, I'm not a  
23 psychologist, so that's a lay interpretation, but I really  
24 do feel that he has become so.

25 Q You said he was afraid to be left alone. Do you

1 remember when that began?

2 A When he came home from the hospital, on the 21st.

3 Q Is he still afraid to be--

4 A No.

5 MR. WILMOT: Ms. Shamon, you have to wait for me  
6 to finish my question. That's all right.

7 THE WITNESS: I beg your pardon.

8 MR. WILMOT: It's tough. This is like a  
9 conversation.

10 THE WITNESS: I know, I know. I'm sorry.

11 BY MR. WILMOT:

12 Q So, I was just asking, is he still afraid to be  
13 left alone at home?

14 A No.

15 Q When did that fear dissipate?

16 A Gradually, I think towards the end of his  
17 recuperation, after he had subsequent surgery with Dr. Cima,  
18 and felt that he was not going to die any minute now, which,  
19 prior to that, I think was foremost in his mind.

20 Q Do you know what month that was or--

21 A No. May?

22 Q Of 2002?

23 A Yes.

24 Q You said he was extremely dependent on you. When  
25 did that begin?

1 A When he came home from the hospital.

2 Q On December 21st, '01?

3 A Yes.

4 I'm so sorry, Mr. Wilmot. I'm sorry.

5 Q On December 21st, '01 was when his dependence  
6 began?

7 A Yes.

8 Q Is he still extremely dependent on you?

9 A In many ways, yes, but he doesn't know he is.

10 Q Other than the typical ways that husbands are  
11 dependent on their wives, you described it as being  
12 extremely dependent obviously where it was a burden for you,  
13 perhaps?

14 A No.

15 Q Was that a burden?

16 A It was mentally and physically exhausting to me,  
17 but -- are you saying "burden," as in did I object to doing  
18 it, no.

19 Q Right, I'm not saying that. But, you described it  
20 to me as "extremely dependent." Those were your words. Is  
21 he still extremely dependent on you?

22 A No.

23 Q When would you say that extremely dependence  
24 ended?

25 A Toward the middle of summer, late summer of 2002

1 as he became more capable of leading a normal life, so to  
2 speak.

3 Q You say late summer? You mean July, August?

4 A August.

5 Q You said that he became very irritable, was he --  
6 prior to his being released from the hospital in December  
7 21st, 2001, was he not irritable before that?

8 A You mean in the years before?

9 Q Right.

10 A No, he was not.

11 Q So, you noticed specifically that he became  
12 irritable after this, after he was released from the VA?

13 A Correct.

14 Q Is he still irritable?

15 A Yes, sir.

16 Q With confidence.

17 In what ways?

18 A Everything. He's very short-tempered. Everything  
19 bothers him, things which I feel are not -- that's life.

20 For instance, driving, road rage personified.

21 Q And he had not exhibited these type of traits  
22 before?

23 A No, not at all.

24 What else? He's short-tempered even watching  
25 television, with neighbors, with interaction. Everyone is

1 annoying at some time. We all have our moments.

2 If -- I don't know -- little things around the  
3 house that are part of daily living, he can explode very  
4 easily. And he doesn't mean to and he's sorry he does it,  
5 but it happens.

6 Q You said also that he developed a short attention  
7 span. When did that begin?

8 A At the same time.

9 Q After December 21st, so on?

10 A Yes.

11 Q And he still has a short attention span?

12 A Yes.

13 Q And he did not have one beforehand, before  
14 December 21st, 2001?

15 A No. He was a fun, interesting, very gregarious --  
16 as he still is -- person but light-hearted and different.

17 Q You also said that he became depressed. When did  
18 you first notice depression in your husband?

19 A He sat -- he has a recliner in the family room,  
20 and he sat for hours on end, staring out through the sliding  
21 glass doors at the trees and the sky, meditating and feeling  
22 very sorry for himself, and thinking that he was never going  
23 to be the same man he was before.

24 Q Now what type of things was he saying to you to  
25 make you think that he -- that's how he felt?

1           A     "I can't lift anymore. I get -- I can't -- at  
2 this point, I can't even drive the car. I wonder if I ever  
3 will be able to do anything that I used to do."

4           We had an emergency trip to Tennessee in -- I  
5 think it was April of that year, which was memorable. Did  
6 you ever push a wheelchair with his size on a carpet through  
7 airports, and it just -- he was unable to live his life as  
8 he had in the past.

9           Q     And, when did you first notice that he was  
10 depressed about all these things?

11          A     I would say immediately, because he kept saying,  
12 "Why did this happen to me. Why me. What did I ever do to  
13 deserve this?"

14                "I had -- I should have gone to somebody else.  
15 Why did I have this person who hurt me, who caused all my  
16 trouble--"

17          Q     Now you said, "immediately," you mean, immediately  
18 after December 21st, '01?

19          A     Yes, when he was home, because we were home -- we  
20 were there by ourselves.

21          Q     Is he still depressed?

22          A     I would say so, yes. I mean, it's not as  
23 specifically -- well now it is because of the--

24          Q     Take your time.

25          A     Oh, because of coming here and so forth. But,

1 Q And, did your husband see anyone?

2 A No, because he thinks that's being weak.

3 Q And you also said, you noticed -- I'm sorry -- you  
4 said you noticed a loss of strength in your husband?

5 A Oh, yes. Tremendously.

6 Q And when did you first notice that?

7 A When he came home from the hospital.

8 Q On December 21st, 2001?

9 A Yes.

10 Q Does he still suffer from the loss of strength?

11 A Yes.

12 Q You said there's housework he is unable to do now?  
13 Is that correct? I believe you said--

14 A What house -- not house work as in dusting and you  
15 know--

16 Q Yard work.

17 A Right.

18 Q So, he's -- he no longer mows the lawn. Is that  
19 what you said?

20 A He mows the lawn very rarely, when it gets  
21 extremely high, and our son-in-law can't do it, and he does  
22 it in little dribs and drabs, and he's totally out of  
23 breath, and has to come in and sit down. Yeah, he does it,  
24 but not very often.

25 Q Sounds like me.

1 A And, your excuse is?

2 Q Shoveling snow.

3 A I do it.

4 Q You do it?

5 And, you've been doing it since when?

6 A 2001.

7 Q Now you were saying you do not travel, but you  
8 just said that you were in Florida?

9 A Well, we can't -- what I -- I'm sorry, we don't.  
10 We can't travel as we did before.

11 We -- if we fly, he has to sit up in front in the  
12 aisle seat. For no reason, it's just -- he's a different  
13 person psychologically. And, if we drive, I do most of the  
14 driving, and we stop very frequently so he can get out and  
15 stand up and walk around.

16 Q And, this is because he cannot sit long?

17 A Yes.

18 Q And, when did you first notice that?

19 A Immediately. He has to sit on his donut.

20 Q And, when you say, immediately, you mean  
21 immediately after he was released?

22 A Yes.

23 Q You said -- you mentioned also that he has scar  
24 tissue. When did you first hear about the scar tissue?

25 A From Dr. Cima.

1 Q When was that?

2 A I don't know when Dr. Cima saw him, Mr. Wilmot.

3 Q Okay.

4 A I'm sure it's in the chart.

5 Q Is it your belief that he still has this scar  
6 tissue?

7 A Oh, yes, he does.

8 Q You said he has a lack of interest in doing  
9 things, as well. When did you first notice that?

10 A Right away. Everything is too much effort.  
11 Everything is -- or he'll plan to do something, and then it  
12 just doesn't get done. It's not important any more.

13 Q And that began in December of 2001?

14 A Yes.

15 Q And, he still lacks this interest in doing things?

16 A Right.

17 Q Has it gotten any better?

18 A That's hard to say. If I press it, sometimes I  
19 can get him to do it. And other times, he explodes. You  
20 know, I never know how he's going to react.

21 Something that's very important to accomplish  
22 today, is sort of just forgotten about tomorrow.

23 And I don't mean to make him out as a terrible  
24 person, and that's how I'm sounding, because he can't help  
25 it. He really is a good guy.

1 Q The loss of strength. Has that gotten any better  
2 since December 21st, 2001?

3 A Well, of course. He -- I don't have to help him  
4 walk around or get in and out of bed, or so on. But, his  
5 endurance is non-existent. It's just...

6 Q I think you said also that things are too much for  
7 him, since --

8 A Well --

9 Q -- I'm sorry, you said still -- said somewhat to  
10 him not having any interest in doing things?

11 A Well, if there are obstacles, it's hard for him to  
12 stay focused. I can't think of another example at the  
13 moment.

14 Q And, when did that begin; that things overwhelmed  
15 him?

16 A Same time.

17 Q And, he still suffers from that?

18 A Yes.

19 Q Has that gotten any better?

20 A Somewhat.

21 Q I apologize for going through this last bit of  
22 questioning.

23 You said, as well, your sex life is non-existent.  
24 When did you notice that change in that aspect of your  
25 relationship?

1 A Obviously, December 7th, but--

2 Q From December 7th, forward?

3 A Correct.

4 Q And, it's still the case today?

5 A That is correct.

6 Q Has that improved at all since December 7th, 2001?

7 A Not really.

8 Q When you say non-existent, you mean, none  
9 whatsoever?

10 A No, occasionally.

11 Q When did it first start -- I'm sorry about this.  
12 When did it first start back up again?

13 A In the fall of 2002.

14 Q How -- everything you described to me in terms of  
15 his -- the changes in his physical and mental condition  
16 since the Flex-Sig procedure, on December 7th, 2001, how has  
17 it affected you?

18 A I've spent a lot of time crying in private and  
19 trying not to be sorry for myself, and you know, he--  
20 Why do I have to keep saying these things. I  
21 don't--

22 Q Do you want to take a moment?

23 A No. What difference does it make? You know,  
24 you're making me sound like I'm a terrible person and I hate  
25 him, and I don't mean that.

1 MR. WILMOT: Can we go off the record for a  
2 moment?

3 (Off the record at 11:47 a.m. to 12:02 a.m.)

4 BY MR. WILMOT:

5 Q You were just describing how your husband's  
6 physical and emotional conditions have affected you, and you  
7 said there were times that you, you know, you've cried and--

8 A Still do.

9 Q Yes. Can you tell me about anything else?

10 A Yes. I overeat. I was very thin when this  
11 occurred, and I soothed my ruffled feelings by eating, which  
12 I never did before.

13 And I think I'm irritable. It's -- I sort of  
14 fight back which I shouldn't.

15 And, I don't sleep well. I really -- I'm sure  
16 that his health is okay, but I live in constant fear when he  
17 is out of the house that something is going to happen to  
18 him.

19 Q When you say something may happen to him. Like  
20 what?

21 A That he will get sick or have an accident or--

22 Q Does he mean fear of anything happening to him?

23 A Yes, because he says frequently, "With your family  
24 history, you're going to live to be a hundred and I'm not  
25 going to live long." He says it all the time, and it's --

1 you know, I don't want this to happen.

2 Q Anything else?

3 A No.

4 MR. WILMOT: I don't have any further questions.

5 But I just want to put in the record that I haven't received  
6 the documents from the Request for Production of Documents  
7 that I served or any initial disclosure documents yet. So,  
8 to the extent, when I receive your documents, if there is  
9 some issue or something that's in those documents I need to  
10 explore further with Ms. Shamon, I just want to reserve the  
11 right to recall her as a deponent.

12 MS. SUGARMAN: That's all right.

13 MR. WILMOT: That's all I have.

14 MS. SUGARMAN: I have no questions.

15 MR. WILMOT: We're all done.

16 (Whereupon, at 12:05 p.m., the proceeding was  
17 concluded.)